

Abstract

Many philosophers agree that if a being has certain sophisticated cognitive capacities, the being has full moral status, manifested in a cluster of very stringent moral presumptions against interfering with the being. Since animals lack these sophisticated cognitive capacities, they lack this basis for full moral status. However, many human beings also fall below this sophisticated cognitive threshold sufficient for full moral status. In this paper we offer an overlooked source of moral status capable of establishing that, at least in many cases, very underdeveloped humans (babies) and severely cognitively impaired humans have a higher (if not full) moral status than animals. While these humans' cognitive capacities might otherwise resemble animal-level capacities, the difference in moral status can be accounted for, we argue, by the humans' capacity to participate in what we call "rearing relationships." By contrast, animals cannot participate in rearing relationships and so lack the ensuing special moral status.

Note to reviewer(s): The full length version of this paper is 17,000 words (not including footnotes). We managed to cut out two sections and cut down the sections that remain (one of the cut sections discussed a variety of alternative accounts and why they fail thereby motivating the need for the account we offer here, as well as showing off the advantages of our account). This version of the paper you are about to read is 6,499 words (not including footnotes). This can be presented in 45 minutes. We could cut out sections 4-7; that version of the paper can be presented in about 20 minutes.

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Moral Status of the Severely Cognitively Impaired: Progress towards the Commonsense View

Introduction

While there are disagreements from one culture to another, and even within a single culture,¹ there is also significant agreement among non-philosophers that (a) severely cognitively impaired human beings² have the same moral status as unimpaired human beings, (b) all unimpaired human beings – babies³, small children, or adults – have the same moral status, and (c) human beings, whether impaired or not, have a higher moral status than most animals.⁴ We will call this set of claims "the commonsense view."

There is agreement in the philosophical literature that if one has certain sophisticated cognitive capacities, then one has full moral status (FMS), that is, there are very stringent moral presumptions against destroying, experimenting upon, or interfering with one, among other

¹ Cite Hitler's so called "euthanasia" program [ck Leo Alexander, "Medical Science under Dictatorship," *New England Journal of Medicine*, 14 July 1949, p. 40.] [In the United States "sterilization rates across the country were relatively low (California being the sole exception) until the 1927 Supreme Court case *Buck v. Bell* which legitimized the forced sterilization of patients at a Virginia home for the mentally retarded."]

² Here we have in mind both severe rational impairments and severe emotional impairments.

³ There is no commonsense view about the moral status of fetuses and so we leave these beings aside in our discussion.

⁴ Some think that all human beings have higher moral status than *all* animals. Also, McMahan (2002, p.224) says that the commonsense view assumes that the status of animals is very low. We do not think that either of these claims is worth rescuing so we do not build them into our description of the commonsense view.

things.⁵ Examples of sophisticated cognitive capacities are the capacity to reason theoretically, the capacity to reason practically, and/or the capacity to care. We will call an individual who has the relevant sophisticated cognitive (intellectual or emotional) capacities, and therefore also FMS, a self-standing person (SSP). By SSP we do not mean someone who does not need or depend on others (physically, socially, emotionally, etc.). Christopher Reeves, who required the assistance of a ventilator to breathe, was nevertheless an SSP since he had the relevant sophisticated cognitive capacities.

Since animals lack these sophisticated cognitive capacities, animals lack the full moral status such capacities give rise to. However, many human beings also fall below this cognitive threshold required for being an SSP. We reserve the labels “severely cognitively impaired” and “very underdeveloped” (those less than 2 years old, given even the most permissive requirements for an SSP) for human beings in this range of cognitive ability.⁶ It may seem, at least at first glance, that these human beings lack full moral status. But this is contrary to the commonsense view.⁷

In this paper we offer an overlooked source of moral status that will show that, at least in many cases, very underdeveloped and severely cognitively impaired human beings have a higher moral status than animals. While these groups can be otherwise cognitively similar – have the same cognitive capacities whose exercise does not require active participation of other beings – the difference in their moral status can be accounted for by the fact these human beings have the capacity to participate in what we call “rearing relationships”—that is, relationships in which they are being reasonably reared to become self-standing persons (SSPs). This capacity is valuable because it shares core features with the valuable capacities of SSPs that explain their FMS. By contrast, animals, as we will show, lack the capacity to participate in rearing relationships and so lack the value that comes from possessing this valuable capacity. In this way, our approach accounts for a key aspect of the commonsense view. While we will not fully account for the commonsense view, we will make progress toward it.

One limitation of the view we propose, in addition to the fact that it does not establish *full* moral status for very underdeveloped and severely cognitively impaired human beings, is that, while it covers many humans who fall short of being SSPs but who nonetheless have FMS on the commonsense view, there is a group of human beings at the lowest levels of cognitive capacity it does not cover. That is, the *extremely* underdeveloped human beings (e.g., infants less than 4 months old⁸) as well as *extremely* cognitively impaired human beings cannot participate in rearing relationships and so our approach cannot establish their higher moral status.⁹ Since we

⁵ We have cut from this version of the paper our discussion of what FMS involves. In brief, when a being has FMS there is (i) a very stringent moral presumption against interfering with it, (ii) a strong reason to aid it, and (iii) a strong reason to treat it fairly, simply in virtue of the fact that it is a being with FMS.

⁶ Note that the set of severely cognitively impaired human beings includes those who used to be SSP but have since lost the relevant capacities.

⁷ We have cut from this version of our paper a survey of current philosophical accounts of FMS and what we take to be their shortcomings. Some accounts not only fail to accord with the commonsense view, but do not even make progress toward, or come close to, the spirit of the view. Either severely cognitively impaired human beings and/or very underdeveloped human beings are left without FMS, or they are given FMS, but so too are animals. Other accounts accord with the commonsense view, but fail for other reasons, and thus still leave the moral status of the severely cognitively impaired and very underdeveloped humans unaccounted for.

⁸ Fill in cite

⁹ Here are the three groups in the order of increased difficulty of accounting for their moral status:
cognitively sophisticated enough to be an SSP;
very underdeveloped or severely impaired;

only offer a sufficient, and not a necessary condition for higher moral status, there may be other routes to having higher moral status in addition to those we discuss.¹⁰

Section 1. The Capacity to Participate in a Rearing Relationship: The Paradigmatic Case

We will call individuals who participate in a project of being reared to become an SSP “rearees” and focus in this section on what participation in a paradigmatic rearing relationship involves.

Typically this project—rearing someone to become an SSP—is embedded in a much larger and more familiar project of rearing someone to become a flourishing adult. Since we see the capacity to participate in the more narrow project of being reared into an SSP as a source of special value, that’s where we focus our attention.

We begin with a description of a paradigmatic rearing relationship – a parent-child relationship between two unimpaired human beings.¹¹ The project crucially involves the parent having the end of transforming the child into an SSP. It is important that the identity of the rearee is preserved throughout this transformation. The end of the project is not creating a being who is an SSP, but rather transforming the being one is rearing and making that being into an SSP.

It is also important that this end be reasonable to have. Since it is unlikely, if not impossible, to transform an animal into an SSP, is unreasonable for the owner to have or adopt the end of transforming the pet animal into an SSP. Most pet owners know that it is not possible to transform the pet into an SSP, and so it is unreasonable and even irrational for them to have or adopt that end.¹² And if there were a pet owner who believed that it was possible to transform the pet into an SSP, this belief would be not only mistaken, but also irrational, given the evidence available to people about what pets are capable of. Any end adopted on the basis of an irrational belief, is itself unreasonable. The project of rearing involves *reasonably* having the end of transforming the rearee into an SSP.¹³

The means to achieving this end are quite demanding; it requires emotional bonding, and so also emotional and physical attention, as well as a wide variety of forms of interaction. The interactions can be quite minimal, such as cuddling, or more sophisticated, such as playing peek-

extremely underdeveloped or extremely impaired.

¹⁰ For example, it might be that extremely cognitively impaired humans who used to be SSPs can get their full moral status in virtue of having been SSPs, but it is unclear how to defend such a claim. Note also that fetuses do not get status via our account since they do not have the capacity we emphasize, only (when not extremely impaired) the capacity for the capacity. The account we offer may well extend beyond human beings to other species were they to exist (aliens, etc.) and have a form of rearing we discuss. But we will not be exploring this here.

¹¹ Note that the entire description of the rearing relationship applies not only to standard rearing relationships (with a child) but might also apply to some rehabilitating relationships.

¹² The standard of rationality is more demanding than the standard of reasonableness. A rearing relationship involves reasonably having the end of transforming the rearer into an SSP. To show that a certain relationship doesn’t qualify as a rearing relationship it is enough to show that having or adopting that end with respect to the candidate rearer would be unreasonable. However, in some cases, adopting this end is not only unreasonable, but irrational. For owners to have or adopt such an end with respect to their pet when they know that it is not possible to transform their pet into a SSP is irrational. In fact some philosophers (cite?) would go so far as to say that it is altogether impossible to have or adopt such an end when one knows it is impossible to achieve. In section 4 we will discuss in more detail the conditions on the reasonability of having and adopting an end.

¹³ The same reason explains why the relationship between an animal-mom and her animal-pup lacks the key defining feature of a rearing relationship: even if the animal-mom were cognitively sophisticated enough to have the end of turning her animal-pup into an SSP, it would not be reasonable for her to have this end.

a-boo and getting the reeree to look where directed, or very sophisticated such as teaching the reeree how to interact with others and make choices.

What counts as participation by the reeree in this project? While the reeree lacks the cognitive wherewithal to share the rearer's end of transforming the reeree into an SSP, the reeree does share the subends of the activities that are the means to this end. If all the rearer did were give food or drugs to the reeree or manipulate its DNA, this would not involve reeree's participation. The project we aim to delineate is not one in which the reeree is merely acted upon.

To participate the reeree must be sufficiently cooperative with the rearing activities that the rearer will tend to propose. If the reeree reacts aggressively—eating the face of the rearer during attempts to cuddle or play together—or does not react at all (stares blankly in the wrong direction), the reeree is not able to participate in the activities described above.¹⁴ Because some animals cannot cooperatively engage in the kind of activities necessary to become an SSP, humans would not be able to engage in rearing projects with them.

At least some of the activities in which the reeree participates are not mere means to the end of becoming an SSP, but have something very important in common with the very activity that characterizes someone as an SSP. Of course, there is more than one account of activities characteristic of an SSP. Suppose, to take one example, that making practical evaluative judgments (or the capacity to do so) is the defining characteristic of an SSP. Playing peek-a-boo games has something very important in common with making practical evaluative judgments, since both involve abiding by rules.¹⁵ In peek-a-boo the infant abides by the rules of the game—to see squealing when the face is revealed as something to be done and to see being quiet when the face is hidden as to be done. When one makes an evaluative judgment, one also sees an action as to be done (but it involves much more than this). If, instead, caring is the defining characteristic of an SSP, then one will look to a different set of the reeree's activities (for example, emotional engagement or attachment) as what is importantly in common with the activities that characterize an SSP.¹⁶

It is true that some animals seem to engage in similar activities. Dogs, for instance, can play catch, they learn that a ball is to be dropped or fetched and so on. Moreover, emotional bonds form between the dog and owner that are constitutive of and reinforced by these activities.

While the activities between an owner and dog look roughly the same as the activities between a rearer and reeree, the fact that the latter activities are guided by the end of the reeree becoming an SSP while the former are not changes the nature of those activities. The nature of an activity depends, in part, on the project in which it is situated, and it is the rearer's end that determines the project's nature. Compare, for example, the activities that a vicious parent

¹⁴ Consider these instances in which people tried and failed to train/rear monkeys: 1)

<http://www.nytimes.com/2009/02/17/nyregion/17chimp.html> and

2) http://www.nytimes.com/2009/02/26/garden/26primates.html?_r=1&hp.

In "Animal Rights and the Values of Nonhuman Life" (Cass R. Sunstein and Martha C. Nussbaum, eds., *Animal Rights: Current Debates and New Directions*, Oxford: Oxford University Press, 2004, pp. 277-298), Elizabeth Anderson emphasizes that our treatment of animals may legitimately depend on their ability to cooperate with us. Our claim here is related but different along several dimensions. On our view i) it is a being's capacity to participate in a rearing relationship, not the capacity to cooperate per se, which affects the being's moral status and ii) it is a being's capacity to cooperate with rearers, not with human beings generally, which affects the being's capacity to participate in a rearing relationship and thus its moral status.

¹⁵ Acting in accord with a rule is not the same as abiding by a rule. The latter requires conceptual skills that the former does not.

¹⁶ Jaworska (2007) argues that the capacity to care is a sufficient, but perhaps not necessary condition for FMS.

engages in with a child in the service of making the child into a vicious person and the activities that a virtuous parent engages in with a child in the service of making the child into a virtuous person. At points the activities will look the same—they are both learning to be sensitive to the feelings of others, how to read others, etc.—but these sensitivities are in the service of different ends: one child is being trained to be sensitive to others in order to better use and manipulate others, while the other child is being trained to be sensitive to others in order to better help and respect others. They are engaged in different activities because the activities are part of different projects given the difference in the two parents' ends. Likewise, even though it looks like a dog is doing what a 4-month-old child does, their activities are in fact different: the child's activity imperfectly realizes the activities characteristic of an SSP while the dog's activity does not. Even though the child does not have the intention to become an SSP, the rearer does have this intention and thus sets the stage for the existence of the project in which the child participates.¹⁷

2. Value of a Reeree in a Paradigmatic Rearing Relationship

In this section we will argue, focusing on beings in paradigmatic rearing relationships, that the capacity to participate in being reared is valuable and therefore individuals who have this capacity, such as very underdeveloped human beings, are valuable and so have some moral status.¹⁸

Our argument has three steps:

1. An SSP has a special distinctive value – manifested in its full moral status – because its sophisticated cognitive capacities are valuable. That is, an SSP's characteristic capacities confer value (full moral status) on the SSP.
2. The capacities characteristic of an SSP and a reeree's capacity to participate in being reared are alike in all relevant respects. Defense:
 - a. The reeree's capacities are realizations of the capacities characteristic of an SSP, and so the two sets of capacities share a central source of value.
 - b. Since the reeree's capacities are imperfect realizations of the capacities characteristic of SSP, the two sets of capacities are not alike in all respects. But

¹⁷ Another analogy might be helpful. Consider a commander who determines whether and how a war will be conducted. A soldier that is a part of this project and does not know or have the end of the commander nevertheless participates in this project and this affects the nature of the soldier's activities. Suppose the commander is engaged in self-defense, then the soldier's particular actions in a battle will constitute self-defense, whether the soldier knows this or not. However, if the commander is engaged in the unjustified takeover of another country, then the soldier's actions constitute a hostile takeover. As for whether and to what degree such soldiers are blameworthy or excused will depend on all sorts of factors in addition to the nature of their actions as seen in light of the end of the war. But whether a soldier's act is an instance of self-defense or hostile takeover is determined by the ends of his commander, not the soldier's knowledge of those ends. Similarly in the case of the reeree, participation in the project of being reared to become an SSP does not require that the reeree be aware of or intend to realize the end, but it does require active engagement in the project that the rearer has set in motion.

¹⁸ The exact "degree" of moral status acquired in this way might depend, among other things, on the degree to which this capacity is a realization of the capacities of an SSP. In the examples we provide, we aim to show that this degree is not negligible, and perhaps even quite high, and so that reerees have a significant degree of moral status, even if not the full moral status of an SSP. We do not take a stand on the exact degree of the moral status of the reerees; for all we know, it may be full moral status.

Note that the account in this section applies even to cognitively impaired underdeveloped human beings in rearing relationships, so long as their impairment does not prevent a reasonable belief that they can become SSPs. In section 4 we will discuss how the account can be extended to (some) human beings so severely cognitively impaired that they cannot be reasonably expected to become SSPs.

this difference is not relevant to whether the reeree's capacities have value but only to the degree of their value. And so the difference is not relevant to whether the capacities confer value (moral status) but only to the degree of value (moral status) they confer.

3. Just as an SSP has special value because its capacities have special value so too a reeree has value because its capacities have value. This allows us to establish the moral status of a reeree based on the value of the reeree's capacity to participate in being reared, established in 2a.

Step 1

The standard view is that SSPs have full moral status in virtue of the sophisticated cognitive (intellectual and/or emotional) capacities they possess.¹⁹ The sophisticated cognitive capacities are the source of value of SSPs in the sense that these capacities fully explain why SSPs have full moral status as opposed to some other, lower moral status or no status at all. An SSP might have some status in virtue of other capacities (such as the capacity for sentience), but even if an SSP (somehow) lacked these other capacities, the sophisticated cognitive capacities would, on their own, fully explain the SSP's distinctive higher status. Thus, the special value of an SSP can be fully explained solely by reference to its valuable cognitive capacities.²⁰

Step 2

Reerees certainly have a capacity to engage in activities that are instrumentally valuable, that is, activities that are means toward the very valuable end of the reeree being an SSP.²¹ Because this capacity is not of great value it cannot account for the special value of reerees.²²

However, the reerees' capacity to engage in at least some of the rearing activities (as we shall see, those that have something important in common with activities characteristic of SSPs – recall the peek-a-boo example) is much more than merely a capacity for activities instrumental toward becoming an SSP. In particular, this capacity has two key features which make it valuable independently of whatever instrumental value it may have. In order to illustrate what these features are, as well as the fact that they make a capacity valuable, we will introduce a series of examples.

¹⁹ As Feinberg (1980) explains, the standard view proposes not merely necessary and sufficient conditions for FMS but also essential conditions, that is, the features that explain the moral status and not just happen to coincide with the moral status.

²⁰ This should not be taken to imply that the value of the capacities is all there is to the value of the being who possesses them. The being has special value on the condition that it possesses these capacities, but the being is not a mere vehicle for the instantiation of valuable capacities. The value dependence here has the following structure: if the capacity to x is valuable and P has x, then P is valuable, but this now requires us to value P as such and not just P's capacity to x. Valuing P, and not merely P's capacity, involves, among other things, valuing P's well-being and disvaluing P's suffering, and so on, even in contexts in which P's suffering or P's well-being has little to do with P's special cognitive capacities.

²¹ Note the difference between the capacity to engage in activity instrumental toward a specific end such as becoming an SSP and the general capacity to engage in instrumentally valuable activity. Like the former, the latter capacity (mere capacity for instrumentally valuable activity) might confer value on those who possess it, but this value would not even distinguish reerees from animals since many animals also have the capacity to engage in mere instrumentally valuable activity. By contrast, as we will show in section 3, animals do not have the capacity to engage in activity instrumental toward the specific end of becoming an SSP.

²² Typically, the value of an end (meeting up with a friend) largely does not carry over to the value of *the means* to that end (getting on the bus), and the same seems to hold with respect to whether the value of the end carries over to the *capacity to take the means* (the capacity to get on the bus).

First, consider two societies. Society1 is reasonably pursuing the end of having just institutions while society2 has no such aspirations, yet the current institutions of both societies look the same.²³ The institutions of society1 share some important attributes with institutions that are fully just (feature 1). For example, both the just society and society1 have laws on the books prohibiting discrimination on the basis of race, gender, religion, etc. Just institutions do much more than this, but society1's institutions can, in virtue of these shared attributes, be said to be *imperfect versions* of just institutions. But society1's institutions have another important feature (feature 2). Its institutions and the way it shapes those institutions are part of a reasonable project or are guided by a specific reasonably adopted end: having fully just institutions. Society1 pursues the end of having fully just institutions (feature2) by way of partially and imperfectly implementing aspects of this end (feature1). The point is not merely that the current imperfect institutions are means to the end of fully just institutions, but rather that the end of the society alters the nature of those imperfect institutions and so also their value. Because society1's institutions are guided by this reasonable end, they are not only imperfect versions, but also *imperfect realizations* of this end. And so they have the value, at least to some degree, of the end. There is a sense in which an institution can be seen as an imperfect version of many different ends, whereas it is an imperfect realization of a specific end only when it is actually connected to that specific end by being embedded in some (broadly construed) agent's reasonable project with that end in view. Society1's institutions are an imperfect embodiment of the ideal of justice, and so, in this sense, have an essential value in common with institutions that embody the ideal (more) perfectly. While society1's and society2's institutions share feature1, they do not share feature2 and that explains the difference in value between them.

This difference in value is revealed by differences in how the society regards its institutions as well as in third party attitudes toward the institutions of these two societies. When injustice occurs in the first set of institutions, this is looked upon by the society as a problem that merits attention and efforts to redress; it is a spur to continue making changes to the institutions so that they become more just in the future. When injustice occurs in the second set of institutions, where justice is not an end, the society has no such attitudes and takes no such actions. South Africa in its transition away from apartheid was arguably an example of society1. Those outside the country had great respect and admiration for South Africa of 1994. Respect and love of justice carries over to even imperfect embodiments of justice. The level of respect and admiration might not be the same as it would be for fully just societies, but respect and admiration are nevertheless vibrantly present and explained by features 1 and 2.²⁴

²³ The end of having just institutions is a reasonable one. Some would think that the explanation for the reasonableness of this end, even in unfavorable circumstances, is the fact that morality requires us to adopt such end. We will discuss in more detail under what conditions an end is reasonably adopted in section 4; footnote 51 is especially relevant.

²⁴ Note that the special value of an imperfect realization of justice attaches equally to the *institutions* of society1 and to the specific *activities* of those institutions. Thus, for example, when society1's judges hand down their sentences, this counts as an imperfect realization of the activities characteristic of just judges, and has much of the value of just judging. Furthermore, a parallel claim can be made about the *capacities* of society1. Insofar as a society has institutions, it has certain capacities (the capacity to engage in the activities facilitated by these institutions). Once the institutions are in place, the society thereby has these capacities and continues to have them even if no one engages in any activities at a specific time (in the middle of the night, for example). Thus, whatever can be said about a society's institutions can be said of the society's capacities: the capacities of society1 are an imperfect realization of the capacities of a just society and so have much of the value of those capacities. The general point is that the special value of justice transfers with equal force to the activities, the capacities, and the institutions that are imperfect embodiments of justice.

Next consider Judy, who has the end of becoming a great tennis player although her skill level and strength are, at the moment, low. She still has a chance of becoming a great tennis player, and so has reasonably adopted this end. When Judy plays tennis, she looks no different than John, who sometimes wanders onto the court for a bit of fun but with no aspiration or intention to improve his game. The value we attribute to Judy's capacities and their exercise is much greater than the value of John's capacities. Again, we think this is explained by two key features of Judy's capacities. Judy's capacities share some important aspects in common with the capacities of a great tennis player (feature 1): each player can hold a racket in certain ways, make contact with the ball, shift weight from foot to foot, etc. In this sense Judy's capacities are imperfect versions of what a great tennis player can do. Of course, this is true of John's capacities too. But feature 1 of Judy's capacities, combined with the fact (feature 2) that Judy's capacities are embedded in a reasonably adopted project whose end is to become a great tennis player, alters the nature, and so also the value, of her capacities.²⁵ While Judy's and John's capacities look the same, they are in fact different since they are embedded in different projects. Judy's project is to become a great tennis player while John's project is to amuse himself. The combination of features 1 and 2 turns Judy's capacity into an imperfect realization of being a great tennis player, while this is not true of John's capacities.²⁶ And that is why the value of the two capacities is so different.²⁷

Because Judy's capacities are a realization of a great tennis player's capacities, they have some, perhaps even much, of the value of being a great tennis player. But because they are an imperfect realization, they likely do not have the same value as great players' capacities. John's capacities, on the other hand, are not imperfect realizations of being a great tennis player and so do not have nearly the same value as Judy's capacities.²⁸

In the examples above the agent reasonably adopts a valuable end of being/doing, and the agent herself, her capacities, and her activities are both imperfection versions and imperfect realizations of this way of being/doing.²⁹ Analogously, a reeve's capacity to engage in rearing

²⁵ Because Judy plays tennis as a means to becoming a great tennis player, her capacities to play tennis can be said to be embedded in a project whose end is being a great tennis player.

²⁶ Note that John's capacities still count as an imperfect *version* of being a great tennis player.

²⁷ It is not that John's capacities have no value. Insofar as feature 1 by itself is valuable, John's capacities have this value. Moreover, insofar as the capacity to have fun is valuable, John's capacities have this value as well. Nevertheless Judy's capacities are more valuable. Again, the difference in value is revealed by Judy's and John's own attitudes toward their capacities. John laughs and mocks himself when talking about the kind of tennis player he is, while Judy talks about her need to improve her current capacities. Others, who are aware of the difference in their ends, likewise respond differently to Judy and John. Judy would be taken seriously at a tennis club while John would not. People would encourage Judy to keep playing and practicing to improve her skills. They would describe her as a serious tennis player and treat her efforts to improve her game in line with how they would treat analogous efforts of a great tennis player. On the other hand, no one would encourage John to come back to the tennis club when it is difficult for him or to stay on the court when tennis players are waiting to play. Judy might be recommended for trophies that would recognize the capacities she has achieved while John would not.

²⁸ Note again that, just as Judy is an imperfect realization of a great tennis player, so too Judy's activities (particular instances of playing tennis) are imperfect realizations of a great player's activities. And, again, the value of Judy's activities is revealed by her and others' attitudes toward her playing of tennis. When a ball flies out of the court, Judy sees this as a mistake which she must learn to overcome. Others praise and encourage her while she plays in recognition of the value of her activity.

²⁹ There are many more analogous examples than the two we have mentioned. Think of someone who has the end of making great art and has enough reason to think she could succeed, assuring thereby that her end is reasonable. Her current art-making is not merely an activity instrumentally valuable toward the end of making great art, but it already shares two important features in common with great art-making. The activity is an imperfect version of the

activities is embedded in a project whose end is reasonably adopted. Moreover, as we saw in our description of what counts as a reeree's participation in rearing, some activities of the reeree (peek-a-boo or emotional engagement) share important features with the very activity that characterizes someone as an SSP (evaluatively judging or caring), and so the reeree's capacity to engage in these activities is an imperfect version of the capacities characteristic of SSPs. And, thanks to being embedded in the reasonably adopted project of being transformed into an SSP, the reeree's capacity to engage in these activities is not only an imperfect version but also imperfect realization of the capacities characteristic of SSPs; the reeree can already do what an SSP does, albeit imperfectly. Crucially, this is not to say that the reeree does what an SSP does, albeit badly. For example, the reeree's seeing X as to be done is not an evaluative judgment but done badly. Instead, we mean that it can be viewed as a partially existent evaluative judgment. (Analogously, when a house is under construction it is not a bad house, but a partially existent house.) Consequently, the two capacities (of the reeree and the SSP) share a central source of value. What is so special about the reeree's capacities is that they are instantiations of the very capacities that we value in, and that confer moral status on, an SSP. But the reeree's capacities do not have exactly the same value as an SSP's capacities since they are partial instantiations or imperfect realizations of SSP's capacities.³⁰

However, a significant difference remains between an agent pursuing athletic activity or a society pursuing justice, and, on the other hand, the child's activities in the context of rearing: the child itself does not have the end of being transformed into an SSP, only the parent has this end. An analogy will help demonstrate why this does not detract from the value of the reeree's activity. A commander determines the end of the war. In some cases a soldier does not know the end of the commander, but he participates in the commander's project and this largely determines not only the nature of his actions but also their value. Insofar as the commander's ends are good or justified, this contributes, to some degree, to the goodness/justification of the soldier's actions.³¹ True enough, whether the soldier is praise- or blameworthy will likely depend, in part, on whether the soldier knew (or should have known) the end. But the value of his act depends to a large degree on the kind of act it is (self-defense or hostile takeover) and this depends on the ends set by his commander, of which the soldier might be unaware. Likewise, the

activity of a great artist (e.g., they both make certain kinds of brush strokes, express certain thoughts and feelings with their use of color, etc.) and because her current activity is guided by a reasonably adopted end of eventually making great art, her current activity is also an imperfect realization of great art-making. The activities of a great artist are valuable, and the activities of the artist-in-training share much of what is valuable about the great artist's activities. That is, the activities of the artist-in-training, being an imperfect realization of a great artist's activities, have much of the value of the latter.

In this case we emphasized that an imperfect realization of a valuable activity (the activity of an artist-in-training) has much of the value of the full realization of the activity (the activity of a great artist), but, as before, the point applies equally to the imperfect realization of a valuable capacity (the capacity of the artist-in-training): it too shares much of the value of the full realization of the capacity (the capacity of a great artist).

³⁰ So far, we are arguing for the special value of the reeree's capacity to engage in certain rearing activities (e.g. peek-a-boo, etc.). But it should be noted that the reeree has other valuable capacities as well. The capacity to engage in other aspects of the rearing relationship, such as having an emotional bond with the rearer, being together with the rearer, and so on, are also good in themselves even though they are not imperfect versions of capacities characteristic of an SSP. Yet, since these valuable capacities are not distinctive to reerees but are also shared, for example, by pets in owner-pet relationships, these capacities can play no role in explaining the special status of reerees in comparison to pets.

³¹ Whether an action is good/justified depends not only on the end of the action but also on other facts about the action, such as its side effects, or whether it violates rights, etc.

value of the reeree's capacity to participate in the project of being reared to become an SSP is to a large extent independent of whether the reeree is aware of or intends to realize the end.

While lack of knowledge of the end does not undermine the value of an activity, if the activity is guided by an unreasonable end this does undermine its value. Consider for example someone who unreasonably adopts the end of becoming a great artist.³² Suppose the person lacks talent and there is decisive evidence available to the person of this fact, but the person ignores this evidence and, based on the unreasonable belief that she can become a great artist, adopts this end. The activities and the capacities of this talentless person do not seem to have the value of the activities and the capacities of someone with talent pursuing the same end.³³

It should be unsurprising that the unreasonableness of an end spoils the value of activities guided by the end. Consider, for example, the normative loss wreaked by an *irrational* end. If someone believes that an end is unachievable but nevertheless tries to aim at the end, the end is not merely unreasonable but also irrational.³⁴ This kind of irrationality prevents the end from playing *any* normative functions. For example, one widely recognized normative function of an end is means-ends rationality; another is coherence among ends (the realization of one end should not prevent the realization of another).³⁵ Because the end fails to meet the standard constitutive of having an end to which we appeal here (belief in the achievability of the end), the end cannot play any of the normative roles that ends usually play (whether these normative roles are also constitutive of having an end or not).

An *unreasonable* end, by contrast, does meet the standard constitutive of having an end to which we appeal here (belief in the achievability of the end), and so can do some normative work. For example, someone who unreasonably has an end is still subject to the charge of irrationality if she fails to take the necessary means while retaining that end; similarly for the norm of coherence. So an unreasonable end can still trigger these rational requirements. But because the end is unreasonable, it loses *some* of its normative force, possibly all the normative force that goes beyond triggering rational requirements. For example, unreasonable ends cannot do the transformational normative work that reasonable ends do, such as justifying the actions taken for the sake of that end, and possibly providing an excuse when one's actions have unfortunate results. We are pointing out here an additional normative loss of unreasonable ends: the inability to turn an imperfect version of the end into an imperfect realization of the end and thus an inability to grace the imperfect version with the value of the realization of the end.

In sum, what transforms someone's activity from merely being a version of X (i.e., having a few key features in common with X) into a realization/instantiation of X is the

³² We will discuss different reasons why adopting an end may be unreasonable in more detail in section 4.

³³ See section 4 (note 51, possibility II) for a discussion of possible conditions relevant to whether a talentless person's activities may in certain cases have value.

³⁴ Some philosophers might go so far as to say that the person does not even have the end (as opposed to saying that he does have the end but is irrational): the person has tried to adopt the end, but has not succeeded. In this sense, belief in achievability is constitutive of having an end.

³⁵ Typically, means-end norms and coherence-among-ends norms are taken to be norms that are constitutive of ends. But notice that these constitutive norms are quite different from the other norm constitutive of ends that we just discussed, namely belief in the achievability of the end. In the later case, if one does not believe the end is achievable, then it is plausible to deny that the person has the end at all. In the former cases, for example, if one does not on just one occasion take the means to one's end, one can still be said to have the end. There is an additional difference between the former and latter norms in terms of their content and grammatical structure: if one does not believe the end is achievable, then one ought (rationally) not aim at the end; if one has the end, then one ought (rationally) either take the means to that end or give up the end. The conditionals have different antecedents and the latter conditional's consequent is a disjunct.

quality/nature of its connection to X. The kind of connection that matters is (i) being guided by X and (ii) reasonably so.³⁶

Step 3

As we pointed out in step one, on the standard view, the value of an SSP's capacity to engage in certain characteristic activities fully explains the value, and so the high moral status, of the SSP. If this value dependence works in the familiar case of an SSP, the analogous value dependence should work in the case of the reeree: the value of the capacities of the reeree can explain the value, and so the moral status, of the reeree. That is, having established, in step 2, the special value of the reeree's capacity to participate in being reared we can appeal to this value to account for the special moral status of the reeree.³⁷

3. Distinguishing the Moral Status of Underdeveloped Humans and Animals

Many animals (those who cannot become SSPs) and underdeveloped human beings are alike in their cognitive features whose realization does not require the participation of other beings, and so are alike in whatever value these features give rise to. Moreover, many animals, like underdeveloped human beings, have the capacity to engage in certain kinds of activities with another being—be it with the animal-parent or the human owner. The animals' relationship-activities and capacities (to play games, etc.) are valuable as are the emotional bonds that animals share with the animal-parent or owner. But since most owners (and all animal-parents) are not pursuing the transformation of the animal into an SSP, these relationship-activities and capacities are not embedded in a project with this end. The animal's activities and capacities are not guided by this end in any sense and so cannot be imperfect realizations of the ideal supplied by the activities and capacities characteristic of an SSP. And so the animal's activities and capacities lack the value that such imperfect realizations have. This is what distinguishes the moral status of animals (who cannot become SSPs) from the moral status of underdeveloped human beings.

Suppose a pet owner did pursue the transformation of a pet into an SSP. We already argued in section 1 that it is unreasonable to pursue such an end. In addition, we sketched an argument in section 2 for why, in general, activities guided by unreasonable ends don't count as realizations of that end in any sense, and thus don't have much value. The activities of a pet pursued in the context of an owner's unreasonable end of turning the pet into an SSP lack the value of imperfect realizations of the activities characteristic of an SSP. Therefore, animals lack

³⁶ When *an* agent (the rearer, rather than reeree when it comes to the rearing relationship) adopts the end of X and chooses the activity (perhaps from among many options) as a way of accomplishing X, then the activity is guided by X (so condition (a) is met).³⁶ But the quality of this sort of connection between an activity and someone's end depends on the reasonableness of the adoption of the end (condition (b)). Unreasonableness spoils the (metaphysical and evaluative) quality of the connection that the agent makes (or is trying to make) between the activity and end. For example, given the talentless person's situation (which involves elements such as what information the person reasonably has access to and what the person cares about), a sufficient connection simply cannot be made between the talentless person's activity and being a great artist. Undoubtedly more needs to be said, but we think there is sufficient plausibility to the claim that activities guided by unreasonable ends – and the corresponding capacities – don't have much value.

³⁷ Note that, just as in the case of an SSP, even though the reeree is valuable because of its capacities, the reeree is not simply valuable as a vessel for the capacities: the reeree (not just the reeree's capacities) is valuable.

the valuable capacity that underdeveloped humans have and thus lack the corresponding moral status.³⁸

4. Extending the Paradigm of the Capacity to Participate in a Rearing Relationship

Given our understanding of the paradigmatic capacity to participate in a rearing relationship, this capacity (and the value it confers on its bearers) is restricted to beings for whom it is reasonable to have the end of transforming them into SSPs. But what about a case such as Ashley, the Pillow Angel? Her development has never progressed beyond that of an infant. She is currently nine-years-old and cannot sit up, ambulate, chew food, or use language. However, she responds to others—vocalizing and smiling in response to affection. Extensive evaluations did not uncover any genetic defects. Specialists consider a significant future improvement in her cognitive capacities highly unlikely.³⁹ So it appears unreasonable to have the end of transforming Ashley into an SSP; if so, her activities and capacities would not be imperfectly realizations of the activities and capacities characteristic of SSPs (nor have the corresponding value).⁴⁰

Does Ashley nonetheless have the capacity to engage in a rearing relationship? We think she does. The challenge we will now tackle is to show it is reasonable for Ashley's parents to have the end of transforming Ashley into an SSP but unreasonable for owner to have the end of transforming the pet into an SSP. If so, Ashley's parents are able to meet what we see as a key feature of a rearing relationship.

Typically, having an end involves, straightforwardly, aiming to realize the end.⁴¹ However, even when one cannot reasonably maintain an end-aim, it can sometimes be reasonable to maintain the end but treat it as a standard (end-standard) rather than an aim. First

³⁸ Animals that are capable of participating in valuable owner-pet relationships may well gain some moral status in virtue of the value of the activities within those relationships, and the consequent value of the capacity to engage in such activities. But notice that reerees too have this minimal capacity and so also at least this much moral status. Since animals' activities cannot embody the value of an SSP in the way that the reerees' activities can, reerees have a higher moral status than animals.

³⁹ Neither the pregnancy nor birth of Ashley was unusual. "After the first month of life, she began to display symptoms of hypotonia, feeding difficulties, choreoathetoid movements, and developmental delay. Extensive subsequent evaluation by specialists in neurology, medical genetics, and developmental pediatrics failed to uncover a specific cause. Static encephalopathy with marked global developmental deficits eventually was diagnosed. In the ensuing years, her development never progressed beyond that of an infant. At the age of 6 years, she cannot sit up, ambulate, or use language. She is gastrostomy-tube dependent for nutrition. However, she responds to others—vocalizing and smiling in response to care and affection. The combined opinion of the specialists involved in her care is that there will be no significant future improvement in her cognitive or neurologic baseline." "Attenuating Growth in Children With Profound Developmental Disability" *Arch Pediatr Adolesc Med* vol 160 October 2006

⁴⁰ Ashley's parents don't seem to pursue this end since they have sought operations for Ashley designed to arrest her physical development so it would correspond to her infant-like psychology. See for example P. A. Clark & L. Vasta "The Ashley Treatment: An Ethical Analysis. *The Internet Journal of Law, Healthcare and Ethics*. 2007 Volume 5 Number 1 and Mathew Liao, Julian Savulescu and Mark Sheehan "The Ashley Treatment: Best Interests, Convenience, and Parental Decision-making" *The Hastings Center Report* 37 (2) 2007: 16-20.

⁴¹ As we noted in section 1, a necessary condition of reasonably having an end that one aims at (end-aim) is reasonably believing that the end-aim is realizable. If one believes an end-aim is not realizable, then one cannot rationally have it as an end-aim. Moreover, if one has good, even if not decisive, evidence that it is not realizable, then it is not rational to believe that it is realizable. So even if one did believe, contrary to the evidence, that an end-aim can be realized, this belief is itself irrational, again making it unreasonable to have the end-aim. As we indicated in section 1 "Not rational" is a harsher criticism than "not reasonable." In cases where we think this harsher criticisms is warranted, we use this stronger language.

we will discuss what is involved in having an end-standard and then address when it is reasonable to have an end-standard.

To treat an end as a standard is to treat it (a) as a guide to one's next best options to realize. For example, when justice cannot be realized, justice can still serve as a standard or guide for determining how to confront the current injustice. It guides what end(s) one should aim to realize.⁴² In addition, the end-standard (b) grounds the adoption of other sub-ends, such as being open to, and on a lookout for, the possibility of changes that would make the end-standard now something that one could realize.⁴³ The end-standard also serves as (c) a basis for certain judgments: (c-1) the judgment of the end one does aim at as suitable and important given that it is as close as can be to the end-standard; (c-2) the judgment of the end one does aim at as lesser on the basis of how far it is from the end-standard; (c-3) the judgment that it would be better if the current situation allowed for the end-standard to have been an end-aim.

When one has an end-aim, one guides one's actions by looking to the end, that is, one selects the means to (or constitutive elements of) the end. Similarly, when one has an end-standard, one guides one's actions by looking to the end. However, in the latter case, one does so by selecting the next best realizable end (end-aim), which, in the case at hand, is transforming the individual in one's care into a being who is as close as possible to an SSP.

In Ashley's case, the next best end-aim would be maintaining her health, well-being, and cognitive and emotional functioning at the highest level possible, which would involve subends such as feeding her, spending time with her, etc., but also playing simple games with her, such as peek-a-boo, or even simpler games, perhaps just involving a rule such as "I smile when you smile" or "I make noises after you make noises."⁴⁴

When is it reasonable to have an end-standard? In what follows we argue that it is reasonable for the parents of a cognitively handicapped child to have the end-standard of transforming her into an SSP, even though it is unreasonable for a pet owner to have the analogous end-standard.

The Caring Account. Whenever it is unreasonable to have an end as an aim, the default rational position is to abandon the end, both as an aim and as a standard. However, there is reason in Ashley's case to overcome this default position and treat the end of transforming her into an SSP as a standard.

Two features together allow Ashley's parents to overcome the default position. First, her parents have good, *but not decisive* evidence that Ashley will not become an SSP.⁴⁵ Second,

⁴² How close these ends are to the end-standard becomes a measure of their suitability as next best options.

⁴³ Were such a change to come about (where one could now aim for the end) no new adoption of an end is involved. Rather the end-standard would then become an end-aim.

⁴⁴ By contrast, for a child whose cognitive development were arrested at a somewhat higher cognitive level than that of Ashley, say at the level of a two-year-old, the next best end-aim would involve more than it does for Ashley. It would involve such things as providing an interesting environment for her simple explorations, helping her build her vocabulary, playing more sophisticated games, etc.

⁴⁵ If we knew that her brain was only half the typical size, or some other such fact, then the evidence would be decisive. But so far, no abnormalities of this kind have been discovered. The parents of an anencephalic infant do have decisive evidence that the infant will not become an SSP. Even if brain transplants were possible, the parents would not have transformed *this* infant into an SSP, but instead ended the existence of this infant and brought into existence another infant. As we discussed in section 3, the relevant end of a rearing relationship is transforming *this* infant into an SSP. Of course it is a difficult issue to determine when a new being comes into existence as opposed to the same being undergoing a transformation. But we hope it is intuitively plausible that brain transplantation would not count as mere transformation, and so the parents of an anencephalic infant have decisive evidence that the

Ashley's parents care about her. When one is emotionally engaged with another individual and cares about that individual, one must also care about that individual's welfare and flourishing (and any related subends). To fail to do so (without decisive evidence that this end is impossible) while caring about the individual flies in the face of one's caring commitment to the individual and thus violates a rational constraint. The proper response is to hold on to the end as a standard. So, Ashley's caring parents reasonably have the end-standard of her flourishing.⁴⁶

The next step in the argument is this: Ashley's flourishing requires her becoming an SSP. On our view, a being's flourishing requires, among other things, that the being's general psychological capacities be fully realized at each stage of development.⁴⁷ Ashley's flourishing requires her becoming an SSP. So long as there is not decisive evidence that she cannot become an SSP, then her parent's caring about her rationally requires that they have the end of her flourishing, which in turn rationally requires that they have the end of her becoming an SSP. The default position is thus overcome and Ashley's parents may reasonably maintain, as a standard, the end of transforming Ashley into an SSP.⁴⁸

Not so for a pet. As in Ashley's case, there is good, but perhaps not decisive, evidence that it is impossible to transform the pet into an SSP. The pet owner who cares about the pet, will

infant cannot be transformed into an SSP and thus they cannot overcome this rational default position and treat the end as a standard even though they care about the infant.

⁴⁶ Robert Adams (1995: 75, 79-81, 84), albeit in a rather different context from ours, discusses the importance of retaining certain beliefs, ends, etc., even in the face of opposing reasons, so long as one does not stray into the "vice" of "credulity" (75).

⁴⁷ There are two different ways of determining a being's capacities. We borrow the names of the two accounts from McMahan. Strictly speaking, the accounts McMahan discusses are accounts of flourishing (or what he calls "fortune") and not accounts of what counts as a being's capacities. However, the way we see it, the question of what counts as a being's capacities is what the disagreement between the various accounts of flourishing (or fortune) turns on.

(a) On an Intrinsic Potential Account, favored by McMahan, the being's capacities are those the being has at some point possessed or has at some point had the intrinsic potential to develop. Ordinarily, a creature's intrinsic potential is determined by its genetics. Ashley, in virtue of her genetics, at one point had the potential to become an SSP but something prevented her from realizing her genetic potential. Ashley was not deprived of oxygen during birth but this is the sort of thing that can permanently deprive a being from realizing her genetic potential. Since Ashley's flourishing requires living up to her psychological potential, it requires her becoming an SSP. However, if Ashley's current inabilities were due to a genetic mishap, so that she never had the potential to become an SSP, then her flourishing would not involve becoming an SSP.

(b) On the alternative, Species Norm Account, a being's capacities are determined by reference to its species. Ashley has a certain nature, that of being human, and what it is for humans to flourish is, in part, to be an SSP. On such a view it does not matter whether Ashley's misfortune is caused by a genetic mishap or a later injury, since it is nevertheless true that she is a human being and that a human's flourishing requires that she be an SSP. The Species Norm Account thus expands the range of human beings for whom flourishing involves becoming an SSP. Consequently, it expands the range of human beings that are in rearing relationships.

⁴⁸ It must be noted that if Ashley's cognitive limitations were due to her genetic makeup rather than some later injury, the Intrinsic Potential Account would hold that she altogether lacks the capacity to develop into an SSP. Ashley's flourishing would not involve becoming an SSP, and so in caring about her, her parents would not be required to have the end of her flourishing. That is, they cannot overcome the default position which requires that they abandon an end they cannot realize. And so, when the Intrinsic Potential Account is combined with the Caring Account it would not be reasonable to have the end-standard of making Ashley into an SSP. Some may consider these implications a serious drawback of the Intrinsic Potential Account. But we also recognize that, for those who find the Intrinsic Potential Account independently plausible, our account runs into a limitation: it cannot explain the higher moral status of those severely disabled humans whose disability is due to genetic makeup rather than subsequent injury.

care about the pet's flourishing, but, given the pet's capacities,⁴⁹ the pet's flourishing does not involve becoming an SSP.⁵⁰

We recognize that there may be other ways of overcoming the default position, but none of those we are able to identify apply in the case of pets.⁵¹ Since a necessary feature of a rearing relationship is reasonably having the end of transforming the reeree into an SSP (either as end-aim or end-standard), our challenge has been met. Ashley and her parents meet this condition, along with all the other conditions of a rearing relationship. But an owner and her pet do not meet this condition and so are not in a rearing relationship.

So far, our analysis has broadened the class of candidate reerees from beings for whom it is reasonable to have the *end-aim* of transforming them into an SSP to also include beings for whom it is reasonable to have the *end-standard* of transforming them into an SSP.⁵² The broader class is still limited to those for whom self-standing personhood cannot be decisively ruled out but for whom becoming an SSP is an important part of their successful flourishing.

5. The Value of a Reeree in Non-paradigmatic Rearing Relationships

⁴⁹ Understood according to either (a) Intrinsic Potential Account or (b) Species Norm Account.

⁵⁰ An owner who grants that his pet's flourishing does not require becoming an SSP, but who, regardless, keeps the end-standard of transforming the pet into an SSP may not hold unreasonable beliefs, but his end is still unreasonable since it does not overcome the presumption against having unachievable ends.

⁵¹ I) For example, certain core obligatory moral ends give rise to rational requirements similar to those generated by cared for ends. For example, when one's end is justice or respect for persons, one cannot simply give the end up when circumstances are so unfavorable that the realization of the end is almost hopeless. One's moral obligation might thus also overcome the default rational position and enable one to reasonably hold on to an end as a standard instead. But since there is no moral obligation to turn pets into SSPs, this way of overcoming the default position is obviously inapplicable to the case of the pet.

As a side note we wish to point out that caring itself may be morally obligatory in some cases – in particular parents may be morally obligated to care about their child. But even if caring is not morally obligatory, it can itself generate rational requirements that overcome the default position.

(II) It might make sense to maintain an end-standard if (a) one has decisive evidence that one cannot achieve the end, but (b) given the evidence available regarding how close one can come to the end, what happens, cognitively speaking, is that one has no choice but stick to aiming at the impossible end, or, more properly speaking, one treats this end as if it were one's aim. But because of (a), one knows that it is not one's aim but only a standard.

For example, suppose a tennis player has decisive evidence that she will not hit an ace in every serve of her 3 hours tennis game. Nevertheless, it is wildly open as to how close she can come to this end. At the start of the game she has no choice but to stick to aiming at serving a game of aces. Once a point occurs in which she fails to deliver an ace, she can no longer have hitting a game of aces even as a standard, but notice that she will still have the end of serving aces from that point forward, even though she has decisive evidence that she cannot do so. Here the end is a standard but treated as an aim.

On the other hand, a scientist in 1950 who builds a computer with the aim of creating consciousness not only has decisive evidence that he cannot achieve this end but also the evidence does not force him to build the computer with this end as an aim. The evidence might leave it open which of a variety of lesser ends the scientist can accomplish, but he is at best only forced to aim at the best of these lesser aims rather than the aim of creating consciousness. So, he cannot reasonably adopt this end as a standard.

A pet owner is in a similar position to this scientist and not the tennis player. In the case of pets, condition (b) is not met: the owner is not stuck aiming at the pet's becoming an SSP. And so the pet owner cannot overcome the default position against adopting this end in the way just proposed.

We haven't ruled out that there may be other ways of overcoming the default position in the case of a pet, but we can't think of what these might be.

⁵² This broader class includes not only children in standard rearing relationships but also adults in rehabilitating relationships, including adults who used to be SSP but have since lost the relevant capacities.

Given the modification of our account of rearing relationships to include the rearer reasonably having the end of transforming the reeree into an SSP as a standard rather than an aim, we now need to show that reerees retain their special value even in these kinds of cases. We saw in section 2 that the special value of the activities and capacities of the reeree comes from the combination of two features: (1) they share enough attributes with activities and capacities characteristic of an SSP to count as imperfect versions of these, and (2) the activities of the reeree are guided by a reasonably adopted end of transforming the reeree into an SSP.

We think that newborns cannot engage in imperfect versions of activities characteristic of an SSP, so the activities and capacities of cognitively disabled individuals arrested at the level of a newborn (or below) cannot meet condition (1) and thus such individuals are outside the scope of our account of moral status. However, a six-month-old infant can engage in simple games like peek-a-boo or the smile game described above or can form simple emotional attachments.⁵³ If Ashley is arrested at that level, then her activities and capacities also meet condition (1).

When Ashley's parents pursue activities such as playing simple games with Ashley or simply spend time with Ashley in ways that allows her to realize and strengthen her emotional attachment to them, these activities are guided by reasonable end-standard of turning Ashley into an SSP. The question is how much difference it makes to the value of the reeree's activity that it is guided by a reasonably adopted *end-standard* of transforming the reeree into an SSP rather than by a reasonably adopted *end-aim* with the same content.

To answer this, consider a variation of Judy's case. Judy2 has the end of becoming a great tennis player but her skill level and strength are, at the moment, low. Given Judy2's age and its effects on her body, there is good but not decisive evidence that she will not become a great tennis player, so she cannot reasonably hold the end of becoming a great tennis player as an aim. But Judy2 truly cares about becoming a great tennis player and so adopts that end as her standard. Assuming no other differences between the two, we would not treat Judy2 any (or at least not very) differently than the original Judy, who had good evidence that she still has a chance of becoming a great tennis player, and so has reasonably adopted this end-aim.⁵⁴ We would value Judy2's activities (almost) just as much as we value Judy's activities. But we would not value in the same way the activities of John, who, remember, doesn't care about tennis and simply periodically wanders onto the court with a tennis racket for some fun.

This case suggests that, when activities combine features (1) and (2), whether an end is adopted as a standard or as an aim does not much affect the value of the activity. The activities of reerees in paradigmatic and non-paradigmatic rearing relationships look, on the surface, very similar, and they are guided by the same end, and thus they have (much of) the same value.⁵⁵

⁵³ Julie get cite

⁵⁴ A similar analysis applies to a person who has good but not decisive evidence that she lacks artistic talent, but cares about becoming an artist.

⁵⁵ This point is strengthened by an analogous example with justice. Compare South Africa to a fractured society that's in much worse shape so that it is currently next to impossible to see a viable path to justice (i.e. there is good evidence that it will not become a society with just institutions). The society may still reasonably have justice as an end-standard because it cares about justice (or because morality demands it). If this society looked like S. Africa looked in 1994, we would not value these two societies differently but rather admire both equally. Note, just as in section 2, the value we are discussing here is over and above instrumental value.

Conclusion⁵⁶ An SSP has FMS in virtue of the value of its sophisticated cognitive capacities. Since very underdeveloped and severely cognitively impaired human beings lack these capacities, their moral status calls for an alternative explanation. We have proposed that many such individuals have some, even if not full, moral status due to the value of their capacity to participate in rearing relationships.⁵⁷ One's capacity to participate in a rearing relationship involves the capacity to engage in activities that are not only imperfect versions but also imperfect realizations of activities that characterize SSPs. The capacity to imperfectly realize characteristic SSP activities in turn requires that a rearer can reasonably adopt the end of transforming the individual in question into an SSP.

Animals, by contrast, not only lack sophisticated cognitive capacities, but also lack the capacity to participate in rearing relationships. So even though an animal might have the same cognitive capacities as an underdeveloped or cognitively impaired human being, animals have a lesser moral status in virtue of lacking the capacity to participate in a rearing relationship.

⁵⁶ In the longer version of this paper we go on to further extend our account of the capacity to participate in a rearing relationship and its special value, showing that:

1. If an individual's capacity is never exercised, it still has value.
2. An individual's capacity to participate in a rearing relationship does not require the existence of a candidate rearer, but only a hypothetical possibility of there being an appropriate rearer.

⁵⁷ When our view is combined with the Species Norm Account of what count as a being's capacities, we can account for the status of those who are severely cognitively impaired regardless of whether the impairment is due to genetic mishap or not. This, more inclusive version of our proposal better matches the commonsense view. If, instead, we employ the Intrinsic Potential Account of a being's capacities, we will lose this advantage and thus not yet have accounted for the status of those who are severely cognitively impaired due to genetic mishap. Nonetheless, there may be good reasons to move from the Species Norm Account to the Intrinsic Potential Account of what count as a being's capacities. It seems arbitrary to base the moral treatment of a being not on his own individual characteristics but on the type he belongs to. It may be similarly arbitrary to see a being's capacities to be settled not by his own individual characteristics but by the type he belongs to. Given this mix of advantages and disadvantages, we haven't decided between these two versions of our view. Note that we have proposed only a sufficient condition for higher moral status. There may be other grounds for having higher moral status beyond those we explored.